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AD HOC GROUP ON THE BERLIN MANDATE
First session
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REPORT OF THE AD HOC GROUP ON THE BERLIN MANDATE ON THE WORK OF ITS FIRST SESSION HELD AT GENEVA FROM 21 TO 25 AUGUST 1995

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I. OPENING OF THE SESSION

1. The first session of the Ad Hoc Group on the Berlin Mandate (hereinafter referred to as "the AGBM") was held at Geneva from 21 to 25 August 1995. The session was convened in accordance with decision 1/CP.1, paragraph 6 (FCCC/CP/1995/7/Add.1).

2. The Chairman of the AGBM, Ambassador Raúl Estrada-Oyuela, opened the session at the 1st meeting, on 21 August 1995. In welcoming the participants, he noted that the Convention was entering a new phase of consolidating past work and achievements. Recalling the conclusion of the Conference of the Parties at its first session (COP 1) that the existing commitments in Article 4.2(a) and 4.2(b) of the Convention are inadequate, he highlighted the main elements of the Berlin Mandate (FCCC/CP/1995/7/Add.1, decision 1/CP.1). The purpose of the Berlin Mandate process is to take appropriate action for the post-2000 period, including strengthening the commitments of Parties included in Annex I to the Convention. He reviewed the guidelines for the negotiating process, such as the principles of equity and common but differentiated responsibilities. He recalled that the process aimed to elaborate policies and measures and to set quantified limitation and reduction objectives for Annex I Parties. The Mandate also provided that no new commitments would be introduced for developing country Parties, but that the process would continue to advance the implementation of existing commitments in Article 4.1. The process would include, in its initial stages, an analysis and assessment to identify possible policies and measures for Annex I Parties. While pointing to the short time available, the Chairman expressed confidence that, with the goodwill of all Parties, a legal instrument reflecting the aspirations of the international community would be successfully concluded.

3. The Executive Secretary welcomed all participants to the session. He expressed regret that funding had been available to support participation by only a limited number of Parties. As the Convention process was entering a new phase, coherence remained an important aim and he outlined the measures taken to achieve this aim. He then highlighted five key aspects of the Berlin Mandate process. First, he pointed out the need to adhere to the timetable for preparing and adopting a new, complex legal instrument. Second, a common understanding regarding the process of analysis and assessment was required. Third, the nature, timing and origin of inputs also needed to be determined. Fourth, the communications from Parties included in Annex I and the in-depth review process offered valuable information on relevant national policies and measures and could provide key inputs to the process. Fifth, while new commitments for Parties not included in Annex I were excluded, the process remained open to all Parties, including developing countries whose interests were affected and engaged. He called for strong political commitment and active participation by all Parties to help lead the Berlin Mandate process to an effective result.

II. ORGANIZATIONAL MATTERS
(Agenda item 1)

A. Adoption of the agenda
(Agenda item 1 (a))

4. At its 1st meeting, on 21 August, the AGBM adopted the following agenda:

1. Organizational matters:

   (a) Adoption of the agenda;

   (b) Organization of work of the session.

2. Election of officers other than the Chairman.

3. Programme of work until the third session of the Conference of the Parties:

   (a) Structure;

   (b) Scheduling;

   (c) Analysis and assessment;

   (d) Requests for inputs to subsequent sessions of the Ad Hoc Group on the Berlin Mandate.

4. Report on the session.

B. Organization of work of the session
(Agenda item 1 (b))

5. At the 1st meeting of the AGBM, on 21 August, the Chairman recalled that there would be services available for one morning and one afternoon meeting with interpretation each day. He also referred to the documentation as mentioned in document FCCC/AGBM/1995/1, paragraphs 4, 5 and 7.

C. Attendance

6. The first session of the AGBM was attended by representatives of the following 85 Parties to the United Nations Framework Convention on Climate Change:

Algeria	Austria	Brazil
Antigua and Barbuda	Bangladesh	Bulgaria
Argentina	Benin	Burkina Faso
Australia	Bolivia	Canada

Central African Republic
Chad
Chile
China
Colombia
Comoros
Côte d'Ivoire
Cuba
Democratic People's Republic of Korea
Denmark
Dominica
Ecuador
Egypt
Ethiopia
European Community
Finland
France
Gambia
Germany
Greece
Guinea
Hungary
Iceland
India
Indonesia
Ireland
Italy
Jamaica
Japan
Kenya
Kuwait
Lao People's Democratic Republic
Lesotho
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Mexico
Micronesia (Federated States of)
Myanmar
Netherlands
New Zealand
Nigeria
Norway
Pakistan
Panama
Peru
Philippines
Poland
Portugal
Republic of Korea
Russian Federation
Samoa
Saudi Arabia
Slovak Republic
Spain
Sudan
Sweden
Switzerland
Thailand
Togo
Trinidad and Tobago
Uganda
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Uzbekistan
Venezuela
Viet Nam
Zambia
Zimbabwe

7. The session was also attended by observers from the following States not parties to the Convention:

Angola
Belgium
El Salvador
Gabon
Honduras
Iran (Islamic Republic of)
Madagascar
Morocco
Niger
Sierra Leone
South Africa
United Republic of Tanzania

8. The following United Nations offices and programmes were represented:

United Nations Centre for Human Rights
United Nations Department for Policy Coordination and Sustainable Development (DPCSD)
United Nations Conference on Trade and Development (UNCTAD)
United Nations Environment Programme (UNEP)
Economic Commission for Europe (ECE)
United Nations Centre for Human Settlements (HABITAT)

9. The following specialized agencies of the United Nations and related organizations were represented:

International Atomic Energy Agency (IAEA)
United Nations Educational, Scientific and Cultural Organization, Intergovernmental Oceanographic Commission (UNESCO/IOC)
WMO/UNEP Intergovernmental Panel on Climate Change (IPCC)
World Health Organization (WHO)
World Meteorological Organization (WMO)
World Trade Organization (WTO)

10. The following intergovernmental and non-governmental organizations were represented:

Intergovernmental organizations:

International Energy Agency (IEA)
Organisation for Economic Co-operation and Development (OECD)
Organization of Petroleum Exporting Countries (OPEC)
South Pacific Regional Environment Programme (SPREP)

Non-governmental organizations:

Alliance for Responsible Atmospheric Policy / Arlington, USA
Association Française du Froid/Alliance Froid Climatisation Environnement / Paris, France
Center for International Climate and Environmental Research / Oslo, Norway
Climate Action Network UK / London, UK
Climate Network Europe / Brussels, Belgium
Earth Council / San José, Costa Rica
Edison Electric Institute / Washington, USA
Environmental Defense Fund / Washington, USA
Face Foundation / Arnhem, Netherlands
Foundation for International Environmental Law and Development / London, UK
Germanwatch / Bonn, Germany
Global Climate Coalition / Washington, USA
Global Industrial and Social Progress Research Institute / Tokyo, Japan
Greenpeace International / Amsterdam, Netherlands
Industrial Technology Research Institute / Hsinchu, Taiwan, Province of China
Institut de recherche sur l'environnement / La Roche sur Foron, France
International Academy of the Environment / Conches, Switzerland
International Chamber of Commerce / Paris, France
International Climate Change Partnership / Arlington, USA
International Council of Environmental Law / Bonn, Germany

International Council of Women / Paris, France
International Gas Union / Groningen, Netherlands
International Organization of Motor Vehicle Manufacturers / Paris, France
International Petroleum Industry Environmental Conservation Association / London, UK
National Coal Association / Washington, USA
Natural Resources Defense Council / Washington, USA
New Energy and Industrial Technology Development Organization / Tokyo, Japan
RainForest ReGeneration Institute / Washington, USA
Stockholm Environment Institute / Stockholm, Sweden
Tata Energy Research Institute / New Delhi, India
The Climate Council / Washington, USA
The Woods Hole Research Center / Woods Hole, USA
United Mine Workers of America / Washington, USA
University of Tübingen - Center for International Relations / Tübingen, Germany
Verification Technology Information Centre / London, UK
World Coal Institute / London, UK
Wuppertal Institute for Climate, Environment and Energy / Wuppertal, Germany
WWF-International / Gland, Switzerland

D. Documentation

11. The following documents were prepared for the AGBM at its first session:

FCCC/AGBM/1995/1	Provisional agenda and annotations, including suggestions for the organization of work
FCCC/AGBM/1995/MISC. 1	Implementation of the Berlin Mandate. Comments from Parties
FCCC/AGBM/1995/L.1 and Add.1	Draft report of the Ad Hoc Group on the Berlin Mandate at its first session

III. ELECTION OF OFFICERS OTHER THAN THE CHAIRMAN
(Agenda item 2)

12. At the 1st meeting of the AGBM, on 21 August, the Chairman reported on his consultations with regional groups in respect of nominations for the Bureau of the AGBM. He recalled that he had been authorized by the COP at its first session to undertake such consultations and indicated that they would continue. The representative of Saudi Arabia observed that the issue of the rules of procedure of the COP had not been resolved. The Chairman noted that this matter was addressed in the report of COP 1 (FCCC/CP/1995/7, para. 14).

13. The Chairman provided further reports on his consultations at the 2nd and 3rd meetings on 22 and 23 August, respectively. At the 5th meeting, on 24 August, the Chairman noted that he would, in accordance with the mandate conferred on him by the COP at its first session, continue his consultations with regional groups in the period leading up to the second session of the AGBM in the hope that the Bureau could be elected at that time. At the 8th meeting, on 25 August, the Chairman noted the emergence of new possibilities that might lead to consensus on the Bureau, but confirmed the need for further consultations.

IV. PROGRAMME OF WORK UNTIL THE THIRD SESSION OF THE CONFERENCE OF THE PARTIES
(Agenda item 3)

A. Structure
(Agenda item 3 (a))

14. The AGBM considered this item at its 1st meeting, on 21 August. On the recommendation of the Chairman, it decided not to establish formal subgroups at this time: more flexible approaches, such as the use of informal consultation groups, were preferred. The AGBM would return to this issue in the future if it became necessary to establish subgroups.

B. Scheduling
(Agenda item 3 (b))

15. The AGBM considered this item at its 1st meeting, on 21 August, and confirmed the following schedule of meetings as established by the Bureau of the COP:

- Second session: 30 October - 3 November 1995
- Third session: 4 - 8 March 1996
- Fourth session: 15 - 19 July 1996 (if COP 2 takes place in October 1996)
- Fifth session: immediately preceding COP 2, October 1996 (to be decided)
- Sixth session: 10 - 14 March 1997

It was understood that the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI), when convened in the same meeting period as the AGBM, would meet prior to the AGBM.

16. The AGBM took note of the explanation by the secretariat that the amount of meeting time was fixed as a result of the decisions of COP 1 on the Convention budget (FCCC/CP/7/Add.1, decisions 17/CP.1 and 18/CP.1) and the forthcoming decision of the General Assembly on conference servicing and that any additional meeting time for the Group would have to be at the expense of the other subsidiary bodies.

17. At its 7th meeting, on 25 August, the AGBM stressed the importance of the fullest participation of all Parties in the implementation of the Berlin Mandate. It expressed regret at the inadequacy of resources in the special voluntary fund to support such participation by eligible Parties and hoped that sufficient resources would be available for the second and further sessions of the Group.

C. Analysis and assessment and requests for inputs to subsequent sessions of the Ad Hoc Group on the Berlin Mandate

(Agenda items 3 (c) and 3 (d))

1. Proceedings

18. In view of the linkages between these two sub-items of the agenda, they were taken up in a consolidated manner at the 2nd, 3rd, 4th and 5th meetings, on 22, 23 and 24 August. Statements on these sub-items were made by representatives of 36 Parties, including one speaking on behalf of the Group of 77 and China, one speaking on behalf of the European Community and its member States and another speaking on behalf of the Alliance of Small Island States (AOSIS). A statement was also made on behalf of environmental non-governmental organizations.

2. Conclusions

19. On the basis of a proposal from the Chairman, the AGBM, at its 8th meeting, on 25 August, adopted the following conclusions:

(a) The Conference of the Parties (COP) is the supreme body of the United Nations Framework Convention on Climate Change and derives its mandate from the provisions of that Convention. The AGBM has been established by the COP and assigned a precise and specific mandate;

(b) The Berlin Mandate provides that "the process will include in its early stages an analysis and assessment, to identify possible policies and measures for Annex I Parties which could contribute to limiting and reducing emissions by sources and protecting and enhancing sinks and reservoirs of greenhouse gases. This process could identify environmental and economic impacts and the results that could be achieved with regard to time horizons such as 2005, 2010, and 2020" (FCCC/CP/1995/7/Add.1, decision 1/CP.1, para. 4);

(c) The purpose of the analysis and assessment is to assist, in an iterative manner, the negotiation of a protocol or other legal instrument. In this context, the analysis and assessment and the other elements of the Berlin Mandate process have to be well integrated in order to be mutually reinforcing;

(d) This analysis and assessment was seen as important to the successful and timely conclusion of the Berlin Mandate process. It should be comprehensive, focused on priorities, open and transparent;

(e) While the initial focus will be on analysis and assessment, the relative consideration of the elements set out in paragraph 2 (a) to 2 (f) of the Berlin Mandate will increase as the process advances. The COP, at its second session, will be an opportunity to take stock of the overall process and to intensify the efforts to adopt a protocol or other legal instrument at COP 3;

(f) Inputs from Parties constitute the basic documents for the negotiation of a protocol or other legal instrument; other inputs may inform these negotiations. Should the AGBM feel it necessary to obtain specialized inputs, including inputs from the Intergovernmental Panel on Climate Change (IPCC) acting within its mandate, these should be obtained through the subsidiary bodies under the Convention, such as the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI), and through the secretariat. In this context, the analysis and assessment would be able to draw on:

(i) The contributions of all Parties, including analysis and assessment carried out at the national level;

(ii) The national communications of Annex I Parties and related in-depth review reports;

(iii) The work of the SBSTA and any intergovernmental technical advisory panels it may establish, in accordance with its mandate and work programme and any specific requests thereto;

(iv) The work of the SBI, in accordance with its mandate and work programme and any specific requests thereto;

(v) The work of the secretariat in carrying out its assigned tasks and in responding to requests from the AGBM;

(vi) The Second Assessment Report of the IPCC;

(vii) The work being carried out for Annex I countries by the joint project of the Organisation for Economic Co-operation and Development (OECD) and the International Energy Agency (IEA) on national communications relating to policies and measures for "common action", including regular progress reports from the Parties involved;

(viii) Contributions received from competent intergovernmental organizations;

(g) The AGBM pointed to the wide array of currently available information relevant to the Berlin Mandate process, and to the analysis and assessment in particular. The entities responsible for such information are invited to make this information available to it to assist in the process;

(h) The AGBM requested the following inputs from the secretariat for the second session (30 October - 3 November 1995):

(i) A compilation of submissions from Parties, in their original language(s), on the implementation of the Berlin Mandate which Parties may have transmitted to the secretariat by 8 September 1995 in response to the earlier request from the Bureau of the COP. In this context, Parties were encouraged to make such submissions to help advance the process. Further, the secretariat was requested to prepare a thematic index to facilitate the consideration of these inputs;

(ii) The first edition of an annotated compilation of information relevant to the Berlin Mandate process. This annotated compilation would be updated for future sessions as additional information became available to the secretariat;

(iii) Lists of issues identified by Parties, that would benefit from analysis and assessment; and

(iv) A synthesized listing of policies and measures, also by sector, identified in the national communications of Annex I Parties;

(i) The AGBM will take decisions, at its second session, on further work, on who will undertake it and on completion dates;

(j) The AGBM decided to consider, at its third session (4 - 8 March 1996), those aspects of the Second Assessment Report of the IPCC that are relevant to its work, along with any related conclusions or advice that the SBSTA may provide;

(k) The AGBM decided to consider, at its third session (4 - 8 March 1996), those aspects of the national communications of Annex I Parties and related in-depth review reports relevant to its work, along with any related conclusions or advice that the SBSTA and the SBI may provide;

(l) The AGBM requested the SBSTA to provide, for consideration at its third session (4 - 8 March 1996), a report on innovative, efficient and state-of-the-art technologies and know-how that could advance the implementation of the Berlin Mandate. This should be periodically updated;

(m) The AGBM decided to consider, at its fifth session (October 1996), the second compilation and synthesis of national communications from Annex I Parties which will put particular emphasis on policies and measures, and requested the SBSTA and the SBI to provide advice on the document in accordance with their mandates;

(n) Additional inputs may be identified at future sessions.

20. The Chairman underlined that the above conclusions were of a procedural and organizational nature. He assured the AGBM that points of substance raised in the course of the discussion and in the course of his consultations on the draft conclusions would be reflected in the documentation for the second session, in particular in the document referred to in subparagraph (iii) of paragraph 15 (h) above. He stressed that the conclusions in subparagraphs (j), (k) and (m) of paragraph 15 above should not be understood as excluding other matters from consideration at the relevant sessions.

21. Statements were made by representatives of 10 Parties, including one speaking on behalf of the Group of 77 and China, one speaking on behalf of the European Community and its member States and another speaking on behalf of the Alliance of Small Island States (AOSIS). In accepting the conclusions, they reiterated a number of points with regard to their understandings on the conclusions.

22. The Chairman assured representatives that the special needs and conditions of the Parties that are least-developed countries would, as provided in the Berlin Mandate, guide the process until its conclusion.

V. REPORT ON AND CLOSURE OF THE FIRST SESSION
(Agenda item 4)

23. At the 6th meeting, on 24 August, the Chairman, in the absence of an elected Rapporteur, presented the first part of the draft report of the session (FCCC/AGBM/1995/L.1). The AGBM considered and adopted the first part of the draft report.

24. At its 8th meeting, the AGBM requested the Chairman, with the assistance of the secretariat, to complete the report, taking into account the discussions of the AGBM, the conclusions on agenda items 3 (c) and (d), and the need for editorial adjustments.

25. The representative of the United States of America stated that his delegation did not share the interpretation of the phrase "developed country/other Parties" (from paragraph 2 (a) of the Berlin Mandate) reflected in paragraph 56 of the report of COP 1 (FCCC/CP/1995/7). He indicated that his delegation does not accept, nor did it accept in Berlin, that specific approaches agreed upon for the period up to the year 2000 should necessarily be continued or applied in the post-2000 period.

26. The Chairman, after thanking all participants for their constructive cooperation, declared the first session of the AGBM closed.

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